

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PATRICK B. JOHNSON,

Plaintiff,

v.

KATHY WHELAN, SHERIFF MEISTER,
HELEN FRANK and VICKIE PAPARA,

Defendants.

ORDER

12-cv-554-wmc

Plaintiff Patrick Johnson has submitted a proposed complaint against the Sauk County Jail. Upon confirmation with the Sauk County Jail, plaintiff was recently arrested and released on bond. The charges against plaintiff are pending and he has not been convicted of any crime. Plaintiff has asked for leave to proceed *in forma pauperis* and has supported his request with an affidavit of indigency. From the affidavit of indigency accompanying plaintiff's proposed complaint, I cannot determine whether he qualifies for indigent status. To make this determination, I need to know plaintiff's total annual household income for the past year as well as how he pays for his daily living expenses for items such as food, rent and gas.

To clear this up, plaintiff may have until September 10, 2012 to submit an amended affidavit of indigency that contains his actual gross monthly income from all sources for the last twelve months. I am enclosing a blank affidavit of indigency form to plaintiff with this order.

ORDER

IT IS ORDERED that a decision whether plaintiff Patrick Johnson may proceed *in forma pauperis* in this action is STAYED. Plaintiff may have until September 10, 2012, in which to amend his affidavit of indigency and return it to the court. If plaintiff fails to provide this requested financial information in a timely fashion, then the court will deny his request for leave to proceed *in forma pauperis* for failure to show that he is indigent.

Entered this 20th day of August, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Patrick Johnson

Full name of plaintiff(s)

Case No. 12-cv-554-wmc

(Provided by the clerk of court)

v.

Kathy Whelan, et al.

Full name of defendant(s)

**PETITION AND AFFIDAVIT TO PROCEED
WITHOUT PREPAYMENT OF FEES AND/OR COSTS**

I, _____, declare that I am the plaintiff or petitioner in the above-named action. In support of my request to proceed in forma pauperis, I declare that I am unable to pay the fees and/or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. I answer the following questions truthfully and under penalty of perjury (additional pages may be added, if necessary, to provide complete information):

I. Personal Information

1) Are you currently incarcerated? ☐ Yes ☐ No

If "No," go to question 2. Complete all sections.

If "Yes," answer questions (a), (b) & (c), skip to Section IV. Complete sections IV and V.

(a) State the place of your incarceration and provide your prisoner identification number:

(place)

(number)

(b) Are you employed at the institution? ☐ Yes ☐ No

(c) Do you receive any payment from the institution? ☐ Yes ☐ No

If you are a prisoner, attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of your complaint, motion, or petition and showing the balance of your release account. Prisoners who are permitted to file in forma pauperis must pay the full filing fee in installments.

Personal Information - continued

- 2) Are you employed? ☐ Yes ☐ No
- 3) Are you currently married? ☐ Yes ☐ No
 If "Yes," is your spouse employed? ☐ Yes ☐ No
- 4) Do you have any legal dependents (children/adults) whom you are responsible for supporting?
☐ Yes ☐ No

If "Yes," list them below:

| <u>First and Last Initials (For Minor Children Only) or Name</u> | <u>Relationship to You</u> | <u>Age</u> | <u>Amount of Support Provided Per Month</u> |
|--|----------------------------|------------|---|
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |

II. Income - If you are married, your answers ***must include your spouse's income.***

(When calculating income, you must include any salary, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts, and inheritance, or other incoming monies.)

State your total *monthly* income? \$ _____

Provide the name of your employer(s): _____

State your spouse's total *monthly* income? \$ _____

State the amount of money you have received from any other source in the last twelve months (e.g., rent payments, pension or insurance payments, gifts, inheritance, disability or workers' compensation payments). Please attach an additional sheet if necessary.

| <u>Source of income</u> | <u>Amount</u> |
|-------------------------|---------------|
| _____ | \$ _____ |
| _____ | \$ _____ |

III. Expenses - If you are married and/or have dependents, ***your expenses should also include your household's expenses.***

(When calculating household expenses, you may include groceries, clothing, medical costs, utilities which are not included in your rental payments, transportation, and insurance.)

1) Identify the following amounts that you pay per month:

☐ Rent or ☐ Mortgage \$ _____

Car payment(s) \$ _____

Alimony and/or court-ordered child support \$ _____

Credit card payment(s) \$ _____

2) Do you have any other monthly expenses that you have not already identified?

☐ Yes ☐ No

If "Yes," list them below:

| <u>Expense</u> | <u>Amount</u> |
|----------------|---------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

3) What is the total amount of your monthly expenses? \$ _____

IV. Property - If you are married, your answers must *include your spouse's property*.

1) Do you own a car? ☐ Yes ☐ No If "Yes," list car(s) below:

| <u>Make and Model</u> | <u>Year</u> | <u>Approximate Current Value</u> |
|-----------------------|-------------|----------------------------------|
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |

2) Do you own your residence(s)? ☐ Yes ☐ No

If "Yes," state the approximate value(s). \$ _____

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the residence(s)? \$ _____

IV. Property - continued

3) Do you own any other valuable tangible property, including but not limited to, jewelry, artwork, or antiques? ☐ Yes ☐ No

If "Yes," identify the property and approximate value(s).

| <u>Property</u> | <u>Approximate Value</u> |
|-----------------|--------------------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

4) Do you have any cash or checking, savings, or other similar accounts? ☐ Yes ☐ No

If "Yes," state the total amount of such sums. \$ _____

5) Do you own any intangible property, including but not limited to real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k)?

☐ Yes ☐ No

If "Yes," state the nature of that property and approximate value(s).

V. Other Circumstances - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

Date

Signature - Signed Under Penalty of Perjury